



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JANUARY 14, 2002
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Luis G. Sariñana and Anthony Cobos. Absent: Representative Paul Joseph Escobar. Meeting was called to order and the invocation was given by Pastor Daniel Sattlemeir, St. Matthew Lutheran Church, followed by the Pledge of Allegiance to the Flag of the United States of America. The following Presentations were made:

1. Crime Stoppers Month (January)
2. Carlos Sandoval
3. MLK Humanitarian Award

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City, accept a donation in the amount of \$3,000.00 from the El Paso Korean Community, to be used by the Police Department for purchase of training materials.

Captain Greg Brickey from the El Paso Police Department commented that this would allow them to purchase the training manuals.

Motion made Representative Medina, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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Motion made by Representative Medina, seconded by Representative Power, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of September 11th and 12th, 2001.
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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Lessor's Approval of Sublease between the City of El Paso and Emery Worldwide, Inc., approving the Sublease with Swissport CFE, Inc. for building and ramp space in the facility known as 301 George Perry Blvd., Suite A, El Paso, Texas.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the County of El Paso / District Attorney, 34th Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of cases in connection with the District Attorney's Information Management System and program, in an amount not to exceed \$333,176.00.

Representative Sumrall requested clarification and elaboration on this item.

Captain Greg Brickey from the El Paso Police Department responded that this program significantly reduces staff time and salaries along with court overtime.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso and the Consulate General of Mexico, on behalf of the Mexican Ministry of Foreign Affairs, to provide city employees Spanish language courses.

Representative Sumrall thanked the Mayor and Lic. Miguel Antonio Meza Estrada, General Consul of Mexico in El Paso, for giving City employees the opportunity to learn Spanish.

Ms. Lupe Cuellar, Assistant City Attorney, presented Victor Trevino and Elsa Borja from the General Consulate in Mexico.

Mr. Victor Trevino commented that they are proud to be part of this community and that they hope to enhance their relationship with the City of El Paso with this program.

Ms. Elsa Borja explained that this is an eight-week program for 1½ hours daily from Monday through Friday in three different levels, beginner, intermediate, and advanced.

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to approve the above Resolution.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Traffic Signal Agreement between the City of El Paso and El Paso Independent School District for the installation of two (2) school flasher signals on Eucalyptus Street between Cypress Avenue and Olive Avenue near Douglass Elementary School.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Purchasing be authorized to issue a purchase order in an amount not to exceed \$415,000.00 to the Texas Municipal League Intergovernmental Risk Pool to bind property casualty insurance coverage for the City of El Paso.

Representative Rodriguez asked why it took so long to get it to Council since the policy will expire today.

Mr. Bill Chapman, Chief Financial Officer, commented that this is the City's standard property casualty coverage. He responded to Representative Rodriguez's question by explaining that what happened originally was that they had what they believed was a four year contract with their current or previous carrier and the contract's wording did not allow us to extend the contract. He stated we actually have a binder that will cover us during this time period.

Motion made Representative Sumrall, seconded by Representative Power and unanimously carried to approve the above Resolution.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Berttye Barnhart, President of El Paso Embroiderers Guild of American, covering an exhibit of "hand-stitched needlework" at the Westside Branch of the El Paso Public Library System for month of February, 2002. This exhibition is at no cost to the City.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with R. J. Pictor, Woodworkers of El Paso, an exhibit of "wood crafts" at the Westside Branch of the El Paso Public Library System for month of March, 2002. This exhibition is at no cost to the City.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Tony Gutierrez covering an exhibit of "Illustration Artwork" at the Richard Burges Branch of the El Paso Public Library System for the period of April 2 through May 31, 2002. This exhibition is at no cost to the City.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**NORTHEAST RECREATION CENTER
DEPARTMENT ID. 51510107, ACCOUNT 502214**

1. **CONTRACTOR:** Leonard G. Marquez, Contractor for Mini-Sports
 Program as Timekeeper, Scorekeeper for FY 2002
 DATES: January 16, 2002, thru June 14, 2002
 RATE PER GM \$6.00
 MAXIMUM AMT: \$2,004
 CONTRACT: 2001/2002 – 118

**WASHINGTON PARK SENIOR CENTER
DEPARTMENT ID. 51510206, ACCOUNT 502214**

2. **CONTRACTOR:** Norma Hernandez, Ceramics Instructor
 DATE: March 4, 2002, thru August 26, 2002
 RATE PER CL: \$44.40
 MAXIMUM AMT: \$1,154.40
 CONTRACT: 2001/2002 – 119

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Vendor's Agreement between the CITY OF EL PASO, on behalf of the Parks & Recreation Department, and YWCA - CHILD CARE MANAGEMENT SERVICES for daycare cost subsidies to eligible low income families at the daycare center located at Judge Morris A. Galatzan Recreation Center, more particularly described as 650 Wallenberg Dr., El Paso, Texas, 79912.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Vendor's Agreement between the CITY OF EL PASO, on behalf of the Parks & Recreation Department, and YWCA - CHILD CARE MANAGEMENT SERVICES for daycare

cost subsidies to eligible low income families at the daycare center located at Northeast Recreation, more particularly described as 5301 Salem Dr., Texas, 79924.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the CITY OF EL PASO and JUAN PRADO for the Arts Resources Department to be paid at the rate of \$8.26 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator. The contract period is from January 16, 2002 through January 15, 2003. This contract is subject to the approval of the Civil Service Commission.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and KARA BAKER for the El Paso Public Library.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and ANTONIO ITUARTE for the El Paso Public Library. There is no cost to the City. This contract is subject to the approval of the Civil Service Commission.

.....
*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract for an Independent Contractor between the CITY OF EL PASO and MARILYN JOHNSON to conduct a workshop on February 15, 2002 at the El Paso Public Library. The total amount of the contract shall not exceed \$120.00 and is subject to the approval of Civil Service Commission.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and GABRIEL MEDINA for the El Paso Public Library. There is no cost to the City. This contract is subject to the approval of the Civil Service Commission.

.....
*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and JOHN JORTIZ for the El Paso Public Library. There is no cost to the City. This contract is subject to the approval of the Civil Service Commission.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and ROBERT SEAN for the El Paso Public Library. There is no cost to the City. This contract is subject to the approval of the Civil Service Commission.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the CITY OF EL PASO and RAUL AGUIRRE as a Court interpreter for the Municipal Court at an hourly rate of \$40.00 and partial hours after the first hour prorated at \$10.00 per fifteen minute periods. The Contract period shall be from January 15, 2002 through August 31, 2002. This Contract is subject to the approval of the City's Civil Service Commission.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the CITY OF EL PASO and ARMINDA SUSANA PALOMO as a Court interpreter for the Municipal Court at an hourly rate of \$40.00 and partial hours after the first hour prorated at \$10.00 per fifteen-minute periods. The Contract period shall be from January 15, 2002 through August 31, 2002. This Contract is subject to the approval of the City's Civil Service Commission.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services, Employment Contract between the CITY OF EL PASO and JEANNINE JOY BONDURANT, Contract Employee at The El Paso Water Utilities, by increasing the biweekly rate.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services, Employment Contract between the CITY OF EL PASO and FEDERICO FERNANDEZ, JR., Contract Employee at The El Paso Water Utilities, by increasing the biweekly rate.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the CITY OF EL PASO and KIMBERLY MCCARDEN to do development, marketing, special events planning, and promotion for the

Museum of Art at a biweekly rate of \$480.00. The contract period is from January 16, 2002 through May 24, 2002 and is subject to approval of the City's Civil Service Commission.

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*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign an Amendment to the Personal Services Contract between the CITY OF EL PASO and EVA T. SALINAS, Contract Employee at the El Paso Zoo, increasing the hourly wage, increasing the number of weekly work hours, and total compensation.

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*Motion made, seconded and unanimously carried to delete the Resolution that the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, Subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as:

Tract 1: Lot 14, Block D, Montoya Townsite, being more particularly described in Volume 2337, Page 22, Deed Records of El Paso County, Texas. (PID #M760-999-001D-0014)

Tract 2: Lot 16, Block D, Montoya Townsite, being more particularly described in Volume 1669, Page 555, Deed Records of El Paso County, Texas. (PID #M760-999-001D-0016).

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Motion made, seconded and unanimously carried to move to the regular agenda the Appointment of Charles McNabb as Chief Administrative Officer effective January 14, 2002..

Representative Sumrall thanked the Mayor and Council for the choice and said there was no need to bring somebody from out of town. She said she could not think of somebody else that could better perform the duties.

Mayor Caballero thanked Mr. McNabb for accepting the position and congratulated him for the excellent work.

Mr. McNabb thanked Mayor and Council for the vote of confidence and the opportunity to serve the City in this position.

Motion made Representative Sumrall, seconded by Representative Power and carried that CHARLES MCNABB be confirmed as Chief Administrative Officer, effective January 14, 2002 at a salary of \$147,302 plus any additional benefits of the position.

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Motion made, seconded and unanimously carried to move to the regular agenda the Appointment of Rita Rodriguez as City Attorney effective January 14, 2002.

Ms. Rodriguez thanked Council for the opportunity, her family and Mr. McNabb as her mentor. She further stated that the City Attorney's office could not function and serve Council without a very dedicated group of lawyers and support staff.

Mayor Caballero commented that Ms. Rodriguez is the first female City Attorney and congratulated her for the excellent work.

Motion made Representative Sumrall, seconded by Representative Power and carried that RITA RODRIGUEZ be appointed City Attorney, effective January 14, 2002 at a salary of \$133,528 per annum plus benefits.

*Motion made, seconded and unanimously carried to approve the request to allocate up to \$500.00 from District I Special Projects Funds for the purchase of a United States flag for Scenic Drive by Representative Sumrall.

*Motion made, seconded and unanimously carried that the street and drainage improvements in the Montwood Heights Unit Seven Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Sun Fire Boulevard - from the north property line of Lot 35, Block 29 to the south property line of Lot 1, Block 33

Kari Anne Drive - from Sun Fire Boulevard to Flora Alba Drive

Alicia Arzola Drive - from Kari Anne Drive to Flora Alba Drive

Flora Alba Drive - from Sun Fire Boulevard to Kari Anne Drive

Paul Lucy Lane - from the north property line of Lot 26, Block 30 to Kari Anne Drive

*Motion made, seconded and unanimously carried to approve the request from George E. Frutos, of the Street Department for Special Sick Leave.

*Motion made, seconded and unanimously carried to re-appoint Dr. Harry Wilson to the El Paso Fire Department Medical Services Policy Board by Representative Sariñana.

*Motion made, seconded and unanimously carried to re-appoint Robert Parker (Registered Architect) to the Building Board of Appeals as a regular member by Representative Sumrall.

*Motion made, seconded and unanimously carried to appoint Ernie Domenech to the El Paso Fire Department Medical Services Policy Board by Representative Escobar.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #V897-999-1200-0900, \$403.05 per month installments on a balance of \$4,030.50 for 2000 taxes; Rafael & Nora O. De La Rosa – 1909 Pueblo Azul.
- B. PID #M576-999-0010-1000, \$297.08 per month installments on a balance of \$3,564.96 for 1997, 1998 and 1999 taxes; Martha Castillo – 3612 O’Keefe Dr.
- C. PID #H753-005-0280-0080, \$105.34 per month installments on a balance of \$3,370.88 for 1992, 1993, 1994, 1995, 1996 and 2000 taxes; Josefina Ramirez – 14883 Linda Rene Ln.

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Sun City Scale, Inc., in the amount of \$527.17, overpayment of 2001 taxes. (PID #0828-999-1911-0042)
- B. Stewart Title Company, in the amount of \$2,064.44, overpayment of 2001 taxes. (PID #G474-999-0020-0100)
- C. Stewart Title Company, in the amount of \$1,793.20 overpayment of 2001 taxes. (PID #P324-999-0250-1700)
- D. Lawyers Title of El Paso, in the amount of \$1,342.52, overpayment of 2001 taxes. (R766-999-0030-0100)

- E. Lone Star Title, in the amount of \$2,829.59 overpayment of 2001 taxes. (PID #S380-999-0110-1000)
- F. Doyle Harden, in the amount of \$2,324.54 overpayment of 2000 taxes. (PID #S231-999-0190-8900)
- G. Principal Residential Mortgage, Inc., in the amount of \$5,195.08 overpayment of 1998 taxes. (PID #T230-999-0050-1300)
- H. Sierra Title Company, in the amount of \$1,232.81 overpayment of 2001 taxes. (PID #V893-999-0020-2700)
- I. Miguel B. Estrada, in the amount of \$4,962.05 overpayment of 2000 taxes. (PID #V893-999-1410-2100)
- J. Lone Star Title Company, in the amount of \$1,730.23 overpayment of 2001 taxes. (PID #V893-999-246A-8450)
- K. 1st National Bank of Arizona, in the amount of \$1,670.95 overpayment of 2001 taxes. (PID #V893-999-2830-0700)
- L. Sierra Title Company, in the amount of \$1,766.40 overpayment of 2001 taxes. (PID #V893-999-3570-2300)

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*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the agreement for two additional years from November 1, 2003 to October 31, 2005 pursuant to the provisions of contract 2000-021, with El Paso Towing, El Paso, Texas, for Removal, Storage and Sale of Motor Vehicles.

OPTION NO.: ONE [OF ONE]

Bid No.: 2000-021
Department: Equipment Maintenance
Funds Available: 37370510
Funding Source: Equipment Maintenance Internal Fund
Total Award: \$50,000.00 Annual Estimate

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*Motion made, seconded and unanimously carried that the Director of Purchasing is authorized to issue an emergency Purchase Order to Visionics Corporation in the amount of \$40,071.00 for a 1133HF FingerPrinter CMS Live Scan System, as a "public safety issue" for enhanced fingerprinting services at the El Paso International Airport.

This system is needed to remain in compliance with an FAA issued directive requiring the El Paso International Airport to submit the fingerprints of all persons requiring unescorted access to the Security Identification Display Area (SIDA) and to only employ at the El Paso International Airport those persons that have passed an FBI ten year Criminal History Records Check.

Emergency procurements necessary to protect the public health or safety of the City's residents are exempt from the competitive bidding requirements of Chapter 252 of the Local Government Code.

Furthermore, it is requested that staff be authorized to negotiate, City Attorney's Office to review and that the Mayor be authorized to execute any additional documents and/or licensing agreements as necessary. (2002-090)

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*Motion made, seconded and unanimously carried to approve the request that Council authorize the Director of Purchasing, on the issuance of a Emergency Purchase Order to HHS Supply Service Center in the amount of \$26,928.92 for emergency purchase of pharmaceuticals in response to the City's terrorism preparedness needs.

The procurement was necessary because of unforeseen emergency to protect the public health and safety of the City's residents are exempt from the competitive bidding requirements of Chapter 252 of the Local Government Code ("The Bid Statute"). (2002-091)

Department: Fire
Award amount: \$26,928.92
Funds available: 503112-07156 – Grant 229903 Federal Terrorism

*Motion made, seconded and unanimously carried to delete Bid No.: 2002-059 Waste Removal & Disposal Service

Award to: Frontera Environmental, LLC
El Paso, Texas
Item(s): All
Amount: \$34,411.90 (estimated annually)

Department: Various
Funds Available: Various Budgets
Funding Source: Various Sources
Total Award: \$34,411.90

*Motion made, seconded and unanimously carried to award Bid No. 2002-063 Capnograph/Pulse Oximeter

Award to: BCI, Inc.
Waukesha, WI
Item(s): 1 - 3
Amount: \$50,815.00

Department: OMB/Fire Department
Funds Available: 04250201-27203-508012-FY01
04250101-27203-508012-FY00
Funding Source: Certificate Obligations FY00 – FY01 Medical Equipment
Total Award: \$50,815.00

Fire Department and Purchasing recommend awards as indicated as this vendor is the responsible and responsive bidder meeting specifications.

This is a one (1)-time purchase with the option offered to purchase 100% of the original quantities, at the same unit prices, for one (1) additional year.

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-201 AIRPORT
For rental of barricades in short term parking lot until fencing could be installed as a result of FAA regulations pursuant to September 11th changes to security.

Increase	\$6,750	to	62620006/40101/502405	Safety Equip
Decrease	\$6,750	from	62620001/40101/504405	Contingency

*Motion made, seconded and unanimously carried to approve the request of American Lung Association of Texas to hold a foot race/walk on February 23, 2002 from 8:00 a.m. to 1:00 p.m. Route: Start at McKelligon Canyon Amphitheater parking lot, proceed around McKelligon Canyon Road within the canyon and end at the amphitheater parking lot. Approximately 400 persons are anticipated. This request includes permission to use amplification (1 speaker-300 watts). PERMIT NO. 02-001

*Motion made, seconded and unanimously carried to approve the request of Catholic Diocese of El Paso to hold an ecumenical prayer gathering and procession on January 20, 2002 from 1:00 p.m. to 3:00 p.m. Route: West on Yandell from St. Vrain to Stanton, north on Stanton to Arizona (Cathedral). Approximately 800 persons will take part. This request includes permission to use amplification (one 8-channel amplifier; 8 microphones; 4 speakers). PERMIT NO. 02-002

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*Motion made, seconded and unanimously carried to delete an Ordinance relating to electric franchise fee payments as calculated and paid under Texas Utility Code § 38.008 for existing franchisees; containing findings and other provisions relating to the foregoing subject; providing an effective date; and declaring an emergency.

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*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance changing the zoning of a portion of Tract 7, Pendale Acres, Unit 2, City of El Paso, El Paso County, Texas (445 Pendale Road) from R-F (Ranch-Farm) to R-2A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Oscar and Jennifer Lujan / Representative: Oscar and Jennifer Lujan, 12232 Russolo Drive, El Paso, TX 79936. ZC-01021

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ORDINANCE 15015

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE BONDS, SERIES 2002, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$7,520,000, FOR THE PURPOSE OF IMPROVING AND EXTENDING THE CITY'S WATER AND SEWER SYSTEM AND PAYING THE COSTS RELATED TO THE ISSUANCE OF THE BONDS; AND ENACTING PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSES OF THIS ORDINANCE AND MAKING CERTAIN PROVISIONS TO CREATE THE POSITION OF ASSISTANT GENERAL MANAGER.**

Representative Sariñana asked about a special meeting that had been scheduled for today at noon.

Mr. McNabb responded that this was to let the public know of the added provisions to hire an Assistant General Manager. He explained Council can go ahead and take care of it in the Council meeting and cancel the special Council meeting.

Mr. Nick Constanza, Chief Financial Officer, PSB, commented that some time ago they had approved locking the interest at a low rate. He proceeded to comment that the interest rate of 3.15% is the lowest he had ever seen.

Mr. Norman Gordon commented that Paragraph 7.01D of this Ordinance has been revised to create the position of Assistant General Manager to be exempt from Civil Service status.

Mayor Caballero commented that Mr. Archuleta has announced that he plans to leave the PSB in 2 ½ years to pursue other dreams and it is a wise decision to have somebody to take over operations in the best interest of the City of El Paso.

Motion duly made by Representative Sumrall, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinance was revised to add the following to the last sentence: "and making certain provisions to create the position of Assistant General Manager".

ORDINANCE 15016

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 10 (PUBLIC PEACE, MORALS AND WELFARE) CHAPTER 10.12 (OFFENSES AGAINST PUBLIC PEACE) OF THE EL PASO MUNICIPAL CODE, BY ADDING SECTION 10.12.050, PROHIBITING THE POSSESSION OF AN OPEN ALCOHOLIC BEVERAGE CONTAINER OR THE PUBLIC CONSUMPTION OF AN ALCOHOLIC BEVERAGE WITHIN THE EL PASO CENTRAL BUSINESS DISTRICT.**

Motion duly made by Representative Sumrall, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15017

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE TO ADD MINIMUM YARD STANDARDS IN THE S-D (SPECIAL DEVELOPMENT DISTRICT), TO PERMIT VARIABLE YARD SETBACKS AND LOT SIZES IN THE S-D (SPECIAL DEVELOPMENT DISTRICT), PR-I (PLANNED RESIDENTIAL DISTRICT I), AND PR II (PLANNED RESIDENTIAL DISTRICT II), AND AMENDING SPECIAL PERMIT REQUIREMENTS FOR PLANNED RESIDENTIAL DEVELOPMENT ALLOWING FOR VARIABLE YARD SETBACKS AND LOT SIZES. THE PENALTY BEING AS PROVIDED IN SECTION 20.68 OF THE MUNICIPAL CODE.**

Ms. Pat Aauto, Director of Planning, Research and Development, explained that this ordinance clarifies that a site plan is required to be submitted even when the minimum requirements are met and that the 10 ft. requirement must be met.

Representative Cook questioned the purpose of the ordinance.

Ms. Aauto explained that this only closes the gap that currently exists with the wording; the existing ordinance is not very clear and leaves a gap for interpretation.

Mr. Danny Salazar, Executive Vice-President of the El Paso Builders Association, commented that the Association is in support of the ordinance.

Representative Sariñana asked about a Shopping Center to be developed in his district.

Ms. Adatao responded that she was not aware of the application that he was talking about except that it might be in a special development zone and the minimum requirements still have to be met. This amendment does not really change any requirements but clarifies.

Mayor Caballero commended Mr. Danny Salazar and his organization for their positive attitude and cooperation.

Motion duly made by Representative Sumrall, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinance was revised to add the following to the last sentence: "The penalty being as provided in Section 20.68 of the Municipal Code".

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ORDINANCE 15018

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 14959, WHICH AMENDED TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES), SUBSECTION 15.08.120.B (TYPES OF ENCROACHMENTS) OF THE EL PASO MUNICIPAL CODE, TO CORRECT SECTION PARAGRAPH NUMBERS. THE PENALTY BEING AS PROVIDED IN SECTION 15.08.120.K OF THE MUNICIPAL CODE.**

Ms. Adatao explained that this is correcting a typographical error made last October 2001 when the previous ordinance was approved.

Motion duly made by Representative Sumrall, seconded by Representative Sariñana, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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No action was taken on the report from the City Clerk on Boards/Committees regarding Ethics Ordinance.

Mayor Caballero commented that he realized that they were not following the Ethics Ordinance and they really needed to get on it.

Ms. Carole Hunter, City Clerk, explained the report and mentioned that there are currently only 6 individuals who have failed to comply to turn in the financial disclosure.

Mayor Caballero asked if a notice is being sent out advising them of the missing paperwork because no one should be excused from submitting the paperwork unless it is for medical reasons, emergency, or it is not required by the board.

Ms. Hunter responded that notices have been sent out and there has been no response with the exception of one stating medical reasons.

Ms. Rita Rodriguez, City Attorney, responded in order to remove somebody they would have to check first if a notice has been sent out; therefore, no members can be removed today based upon the report from the City Clerk.

.....
Motion made by Representative Power, seconded by Representative Sumrall and unanimously carried to direct the City Attorney's office to draft an Ordinance to ensure that all City employees who are in the U.S. Armed Forces Reserves and are called to active duty will not experience any decrease in income or other benefits provided by the City of El Paso while they are serving their country. (Representative Larry Medina)

Representative Medina commented that the first time he put this item on the agenda was back in October 16, 2001 and since then he received some backup from Legal. He stated there are 21 individuals who are away serving their country, 13 police officers and 4 fire fighters. He stated that he does not think that it would cost a lot of money to do whatever other cities are doing.

Representative Cook echoed Representative Medina's comments.

Representative Sumrall commented that she had talked to the CAO about paying the difference in pay so that it is not more lucrative to stay active in the military service and keep the health insurance for their family members if they will be making more money with both pay checks.

Chris Clummet, Army active duty on Leave Without Pay, commented that they have taken a pay cut, in some cases there is a loss of \$15,000 to \$20,000 yearly. He said that as far as he knows, there are 18 officers out on active duty.

Lieutenant Moreno commented that he shares the same feeling and added that there is also the burden that some of them have to take some of their money to contribute to their pension.

Representative Power asked if there is something they can do today to help these individuals.

Ms. Rita Rodriguez, City Attorney, responded that Council could direct City Attorney to draft that Ordinance.

Mr. McNabb commented that it is not as easy as it sounds because there are some additional issues such as a housing allowance and additional overseas allowance that need to be considered. He stated he anticipated a draft would be ready in two weeks.

Representative Medina asked all the affected departments and city employees to contribute to the cause by working harder to fulfill the absent employees duties without asking for overtime or additional staff since eventually these individuals will be coming back.

.....
Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to authorize the Public Works Department, in collaboration with other affected City Departments, to study and formulate recommendations for the development of ancillary uses for the Mesa Retention Dam by soliciting public proposals through March 1, 2002; and authorizing the acceptance and processing of any related land development application necessary for the intended use and site development.

Representative Sumrall requested that the time be extended from February 1, 2002 to March 1, 2002 to give them ample time to turn in applications.

Mr. Drusina commented that hopefully other private parties within the districts will come forward and present some solid plans.

.....
*Motion made, seconded and unanimously carried to delete the discussion on the New History Museum, Main Library Remodel/Refurbishment and Cleveland Square Project by Mr. Ed Soltero of the Office for Public Architecture.
.....

Motion made, seconded and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to provide for general pay increases for the General Services, Recreation Services, Professional/Managerial, Executive Series Pay Plans, Salaried, Unclassified Employees, and Municipal Court Judges whereby every employee will receive an increase in pay equal to four percent of the current midpoint of the employee's pay grade and for employees in single number class grades for which no established pay range exists, a four percent increase over existing salary. Effective on February 3, 2002.
- B. An Ordinance permitting Texas Amateur Wrestling to use the Carolina Recreation Center from February 1, 2002 through February 2, 2002.

PUBLIC HEARING WILL BE HELD ON JANUARY 29, 2002 FOR ITEMS A – B

- C. An Ordinance repealing Ordinance 013940 and amending Ordinance 009789, which changed the zoning of a portion of Tract 33B and all of Tract 33H, A. F. Miller Survey #214 and imposed certain conditions, by amending the conditions thereof. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: City of El Paso, Planning, Research & Development Dept., #2 Civic Center Plaza, 8th Floor, El Paso, TX. 79901. SC-98-14

PUBLIC HEARING WILL BE HELD ON FEBRUARY 5, 2002 FOR ITEM C

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Medina was not present for the vote.

.....
Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Jose M. Ledee v. Civil Service Commission of the City of El Paso, Cause No. 98-3097, Our File No. 98-S-53 (551.071)

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **JOSE M. LEDEE V. CIVIL SERVICE COMMISSION OF THE CITY OF EL PASO, Cause No. 98-3097, Our File No. 98-S-53**; as recommended by the City Attorney.

Representative Sumrall and Representative Medina voted Nay. Motion carried 5 in favor, 2 opposed.

.....
Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to adjourn this meeting at 11:10 a.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Carole Hunter, City Clerk



Rita Rodriguez, City Attorney